



REPUBLIC OF NAURU

DOG MANAGEMENT AND CONTROL BILL 2017

No. of 2017

A Bill for an Act to impliedly repeal certain provisions of the Animals Act 1982 and to make new provision for the licensing and control of dogs and for related purposes

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY

1 Short title

This Act may be cited as the *Dog Management and Control Act 2017*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Definitions

In this Act:

‘Authority’ means the dog licensing officer duly appointed under section 8;

‘Committee’ refers to the Dog Management and Control Committee;

‘dangerous dog’ includes dogs which attack human beings or animals;

‘owner’ means the owner of the dog as defined in section 10;

‘public place’ includes a public road, tracks, thoroughfare or any common driveway accessible by any person other than the owner of the dog;

‘Licence number’ means the unique identifying number allocated for each licensed dog bearing the letters JBC and four numerals in a series commencing with “JBC0001”;

‘Register’ refers to the Dog Licenses Register;

‘tag’ means the licenced tag given to a dog under section 13;

PART 2 – ADMINISTRATION

4 Dog Management and Control Committee

A Dog Management and Control Committee is established.

5 Membership

The Committee shall consist of the Authority as the Chairperson and representatives from the following:

- (a) the Department of Health;
- (b) the Nauru Police Force; and

(c) the Department of Commerce, Industry and Environment.

6 Functions of the Committee

The functions of the Committee are to advise and make recommendations to the Minister on the:

- (a) breed of dogs that may be introduced into the Republic;
- (b) ownership and licensing of dogs;
- (c) control of stray dogs;
- (d) health and care of domestic dogs;
- (e) sterilisation of dogs; and
- (f) eradication of stray and diseased dogs.

7 Meetings

- (1) Meetings of the Committee shall be convened by the Chairperson and in his or her absence a nominated representative of the Chairperson.
- (2) The Chairperson shall keep minutes of all meetings of the Committee.
- (3) The Committee may establish its own practice and procedure for the meetings.

8 The Authority

- (1) The Minister shall appoint a person to be the Authority for the purposes of this Act.
- (2) The functions of the Authority are to:
 - (a) establish and maintain a Dog Licence Register;
 - (b) receive applications for the licensing of dogs;
 - (c) hold and issue approved dog collars and tags upon granting of licences; and
 - (d) receive and pay all licensing fees into the *Treasury fund*.

9 The Licence Register

- (1) The Authority shall be responsible for establishing and maintaining a Dog Licenses Register under this Act.

- (2) The Register shall contain the following details of a dog:
- (a) a photograph;
 - (b) the breed if identifiable;
 - (c) gender;
 - (d) description including any specific identifiable features;
 - (e) colour;
 - (f) approximate age;
 - (g) name, if any, of the dog;
 - (h) whether the dog has been de-sexed;
 - (i) name and address of the owner of the dog; and
 - (j) licence number.

PART 3 – OWNERSHIP OF DOG

10 Owner of dog

The person who is the owner of the dog is:

- (a) in case of a licensed dog, the person in whose name the dog is registered;
- (b) in case of an unlicensed dog, the person who ordinarily keeps and feeds the dog; and
- (c) in case of a child's pet, the parent and guardian of the child.

11 Licensing of dogs

- (1) The owner shall obtain a Licence for a dog before it reaches the age of 6 months.
- (2) If an owner fails or neglects to obtain a Licence for a dog, he or she commits an offence and upon conviction is liable to a fine not exceeding \$5,000.
- (3) An owner who contravenes this section more than two times shall upon conviction be liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 2 years or to both.

12 Application for Licensing

- (1) The owner shall for the purposes of licensing provide:
 - (a) the place of residence of the dog;
 - (b) if the dog is a guard dog, the premises guarded by the dog; and
 - (c) whether the dog is a danger to the public.
- (2) The application shall be:
 - (a) in the prescribed form; and
 - (b) accompanied by the prescribed fee.

13 Issuance of licence

Upon receipt of payment of the fee, the Authority shall in licensing a dog:

- (a) allocate a licence number;
- (b) provide to the owner a licence tag; and
- (c) issue the licence for 12 months from the date of the application in the prescribed form.

14 Validity of Licence tag

- (1) A tag is valid for 12 months unless renewed by the Authority on an application of an owner.
- (2) A person shall not:
 - (a) use a tag that is not valid;
 - (b) use an expired tag;
 - (c) use a tag for another dog;
 - (d) use a counterfeit tag; and
 - (e) remove a tag from a dog without any just cause or advice of a veterinarian.
- (3) A person who contravenes subsection (2) commits an offence and upon conviction is liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 12 months or to both.

15 Dog collars or leash

- (1) The owner shall ensure that the dog while in a public place is on a leash to which tag shall be fastened.
- (2) The owner shall ensure that the tag remains fastened around the dog's neck whilst the licence is current.

16 Change of ownership

- (1) Where there is a change in ownership of a licensed dog, the new owner shall within 7 days of becoming the new owner, notify the Authority of such change in ownership.
- (2) A person who fails to comply with subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 12 months or to both.

17 Annual licence fees

An owner of a dog shall renew and pay the prescribed annual licence fee for each of his or her dogs on or before 1 June in each year.

PART 4 – CONTROL OF DOGS

18 Control of dogs

- (1) The owner shall ensure:
 - (a) that a dog is not at large;
 - (b) in case of a female dog on heat, is confined away from a public place;
 - (c) in case of a dog in or on a vehicle, is not in a position to leave the vehicle or become a danger to the public.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 12 months or to both.

19 Chasing vehicles

The owner shall not:

- (a) leave a dog unattended in a public place where the dog is capable of attacking, chasing or moving towards a moving bicycle, motor cycle or a motor vehicle; or
- (b) urge or direct a dog to attack, chase or move towards a bicycle, motor cycle or a motor vehicle.

20 Dogs attacking persons or animals

- (1) The owner shall not:
 - (a) leave the dog unattended so that it is capable of; or
 - (b) allow or incite the dog;-to attack or chase any person, animal or other dogs.
- (2) Where a dog attacks a person or animal, the owner shall:
 - (a) report the matter to the Police within 12 hours of such attack;
 - (b) send a copy of the report to the Authority.
- (3) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both.
- (4) A person who fails or neglects to comply with subsection (2) is liable to a fixed penalty of \$1,000.
- (5) For the purposes of subsection (4), the Authority shall:
 - (a) issue a notice to recover the penalty;
 - (b) decline to issue a licence for the dog; or
 - (c) compound or destroy the dog.

21 Dangerous dogs

- (1) The Authority may issue a notice on the owner:
 - (a) declaring that the dog is dangerous where:
 - (i) the dog has caused serious injury to a person or animal;
 - (ii) there is a reasonable apprehension or cause to believe that the dog is likely to cause serious injury to a person or animal; and
 - (b) giving reasons for the declaration in the notice.
- (2) The owner of a dangerous dog shall leash or restrict the movements of the dog within 3 days of the receipt of the notice under.

22 Warning signs

The owner of a dangerous dog shall display signs in a conspicuous manner warning members of the public of the presence of a dangerous dog.

23 Duty to report missing dangerous dogs

The owner of a dangerous dog shall report to the Police and the Authority that the dog is missing or not traceable as soon as practicable after becoming aware of the absence of the dog.

24 Duty to report the sale or giving away of a dangerous dog

The owner of a dangerous dog shall report to the Authority if the dog has been sold or given away to a specified person and shall provide the address of such person.

25 Diseased dogs at large

- (1) An owner who permits a diseased dog to leave his or her premises or land and to stray at large commits an offence and upon conviction is liable to a fine not exceeding \$1,000.
- (2) The Authority may destroy or cause to be destroyed any diseased dog or any dog reasonably believed to be diseased wandering at large with or without the consent of the owner.
- (3) A person who obstructs the Authority or any authorised person from removing a diseased dog for destruction commits an offence and upon conviction is liable to a fine not exceeding \$5,000 or imprisonment for 6 months or both.

26 Bans and controls on certain breeds

- (1) The Minister may by Order published in the Gazette, order that certain breeds of dogs be banned in the Republic.
- (2) A person who keeps, breeds or imports a banned breed of dog, commits an offence and upon conviction is liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.
- (3) An Order imposing a ban under this section may specify that the ban applies to a dog that is wholly or partly of the breed that is banned.
- (4) A ban imposed under this section may be a total ban, or may impose conditions on the keeping of a specific breed.
- (5) A person who keeps, breeds or imports a breed of dog in a manner that breaches a condition imposed under subsection (4) commits an

offence and upon conviction is liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

PART 5 – CIVIL LIABILITY

27 Liability of dog owner for injury caused by dog

- (1) The owner of a dog which causes any personal injury to person or loss to livestock shall be liable to compensate for the loss and damages sustained by any person.
- (2) Where the owner of the dog and the person who suffered injuries or loss to livestock, fail to reach a settlement on the damages the latter may institute a proceeding in court.

PART 6 – SEIZURE OF DOGS

28 Seizure of dogs

- (1) The Authority may direct an authorised person or police officer to seize and detain a dog at large.
- (2) Where a dog is seized and detained and it is a licensed dog, the Authority shall serve a notice on the owner providing that the:
 - (a) dog has been seized and detained; and
 - (b) owner may reclaim the dog.
- (3) Where the owner fails to reclaim the dog within 2 working days of the service of the notice, the Authority may authorise the disposal of the dog by sale or destruction.
- (4) Where an owner of a dog seized is not identified, the Authority shall within 2 working days authorise that the dog be destroyed.

29 Payment of penalty

The owner of the dog seized under section 28 shall on reclaiming the dog:

- (a) pay a prescribed penalty;
- (b) reimburse any costs incurred for the keeping of the dog during the detention;
- (c) where the dog is unlicensed, shall pay the license fee and the penalties prescribed subparagraphs (a) and (b).

30 Release of dog

The Authority shall release the dog to its owner on the payment of the penalties or licensing fee under section 29.

PART 7 – NUISANCES

31 Removal of dog faeces

- (1) An owner shall immediately remove or dispose of any faeces left by his or her dog in a public place or a place not under the control of or occupation of the owner.
- (2) A person who fails or neglects to comply with subsection (1) is liable to a fixed penalty of \$1,000.

32 Dog creating nuisance

- (1) The owner shall not permit his or her dog to create a nuisance in a public place.
- (2) For the purposes of this section, '*nuisance by a dog*' means:
 - (a) it behaves in a manner that is injurious or dangerous to the safety or health of a person or other animal;
 - (b) it creates noise by barking or otherwise that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person or place.

33 Complaints relating to nuisance

A person may make a complaint to the Authority in respect of a dog that is a nuisance stating the nature of the nuisance.

34 Investigating a complaint

On receipt of a complaint, the Authority shall within 5 working days:

- (a) investigate the complaint; and
- (b) if necessary, institute proceedings for an offence against the owner.

35 Powers of the Authority

Where the Authority is satisfied that the dog against which the complaint is lodged is creating nuisance, the Authority may direct the following:

- (a) the owner to destroy the dog;
- (b) the owner to remove the dog from the specified premises; or

- (c) any other conditions the Authority may deem fit to abate the nuisance.

PART 8 – LICENSING OF DOGS

36 Licence restricted to 2 dogs

- (1) A person shall not be granted a licence for more than two dogs.
- (2) The Authority may refuse to grant the application for the licensing of dogs where:
 - (a) the premises to which the licence relates are unfit for the purposes of keeping dogs;
 - (b) there is inadequate protection for the health and welfare of the dogs;
 - (c) nuisance to other persons is likely to occur;
 - (d) there is an issue safety of other inhabitants of a densely populated area; and
 - (e) the public health authorities may object to the keeping of any dogs.

37 Cancellation of licences

- (1) A licence may be cancelled by the Authority under any of the following conditions where:
 - (a) the application contains any misrepresentation or false statement;
 - (b) the dog has caused serious injury to a person;
 - (c) one or more conditions of the licence is breached;
 - (d) the licensee fails to comply with any directions given by the Authority.
- (2) Where a licence is cancelled, the Authority shall direct that the dog be destroyed.

38 Requirement for information

- (1) The Authority may by notice in writing require a person to provide in writing:

- (a) the number of dogs owned by the person;
 - (b) the particulars of each dog.
- (2) A person who receives a notice under subsection (1) shall comply with the requirement.

PART 9 – AUTHORISED OFFICERS

39 Authorised officers

- (1) The Minister may in consultation with the Authority and by notice in the Gazette appoint such persons as authorised officers for the purposes of this Act.
- (2) The Minister may in consultation with the Commissioner of Police, and by notice in the Gazette appoint such Police officers as authorised officers for the purposes of this Act.

40 Identification of authorised officer

- (1) An authorised officer, other than a Police officer, shall be issued with an identification card which:
- (a) contains his or her name and a recent photograph;
 - (b) states that he or she is an authorised officer for the purposes of this Act;
 - (c) provides the period of validity of the identification card;
 - (d) states any conditions in his or her instrument of appointment that limits his or her powers as an authorised officer; and
 - (e) shall be produced for the purposes of inspection or performance of any duties under the Act.
- (2) Where an authorised officer is a police officer, he or she shall, produce for inspection his or her Police identification card.

41 Powers of authorised officers

An authorised officer has the following powers:

- (a) may enter and search such premises to determine whether there is an unlicensed dog on the premises;
- (b) to seize by any necessary means a dog running at large and not wearing a tag;

- (c) to seize and destroy any dog that is the subject of any breach of this Act;
- (d) to detain a seized dog in a pound or other place determined by Quarantine;
- (e) to serve notice of the seizure of the dog on the owner of the dog, or any other person appearing to own the dog or have custody of it;
- (f) to sell or destroy any dog that has been seized under paragraph (a) and which has not been claimed by its owner within 4 days of its seizure;
- (g) to summarily destroy any dog found at large and which has attacked any person or animal, or which the officer has reasonable grounds to believe to may have so attacked any person or animal;
- (h) to de-sex dogs to keep the population of dogs under control;
- (i) to destroy stray dogs; and
- (j) to destroy any diseased dogs.

PART 10 – MISCELLANEOUS

42 Obstruction of authorised officers

A person who obstructs, hinders or in any way interferes with an authorised officer in the performance of his or her duties commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both.

43 Protection from liability

- (1) No legal proceedings of any nature may be taken against the Authority or an authorised officer or Police officer in relation to the bona fide exercise of any power under this Act.
- (2) Subject to subsection (3), a person who kills, wounds or maims a dog whilst exercising any of the rights provided for in this Act is not subject to any civil or criminal liability for the death of the dog or for any injury done to it.
- (3) Subsection (2) does not apply in any case where a person causes unnecessary suffering to a dog.
- (4) The protection under this section shall also apply to any person participating in a dog control program approved by the Committee.

44 Appeals against any direction by the Authority for dog to be destroyed

- (1) An owner aggrieved by a decision of the Authority to destroy a dog may apply to the court for an order for the dog not to be destroyed.
- (2) The court in exercising its power to make an order under subsection (1) shall consider the following factors:
 - (a) the dog's past and present temperament and behaviour;
 - (b) the seriousness of the injuries caused by the dog;
 - (c) the unusual contributing circumstances tending to justify the dog's action;
 - (d) the improbability that a similar attack will be repeated;
 - (e) the dog's physical potential for inflicting harm;
 - (f) precautions taken by the owner to preclude any future similar attacks; and
 - (g) any other circumstances the court considers relevant.
- (3) No appeal shall lie from any decision of the District Court under this section.

45 Jurisdiction of the court

The District Court shall have jurisdiction to hear and determine all offences under this Act and, shall have power to impose the penalty or punishment in respect of the offences under this Act.

46 Regulations

- (1) The Cabinet may make regulations necessary or expedient for giving full effect to this Act.
- (2) Without limiting subsection (1), the regulations may provide for:
 - (a) the licensing of dogs;
 - (b) the amount of the licence fees to be paid;
 - (c) the classification of dogs for the purpose of establishing licence fees;
 - (d) any forms that are required under this Act;

- (e) the fees for any applications or services that are required to be paid under this Act;
- (f) the control of the dog population and destruction of dogs; and
- (g) any other incidental matters.

47 Repeal

Sections 4, 5, 6, 7, 8, 9, 10, 11 and 13 (2)(a) and (b) of the Animals Act 1982 are repealed by this Act in so far as they relate to dogs.